IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 610 of 1989

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG
HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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ADALAJ PARK PLOT OWNERS' ASSOCIATION - Petitioner(s)
Versus
STATE OF GUJARAT & 4 - Respondent(s)

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Appearance :

MS ARCHANA AMIN for Petitioner(s) : 1,
MR DIPEN DESAI, AGP for Respondent(s):1

None for Respondents no.2 - 3.
None for Respondent(s) : 4 - 5.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

and

HONOURABLE MR.JUSTICE M.R. SHAH

Date : 30/06/2006

ORAL JUDGMENT

(Per : HONOURABLE MR.JUSTICE R.S.GARG)

Ms. Archana Amin, learned counsel for the petitioner. Mr. Dipen Desai, learned AGP for the State.

It is to be seen that Gujarat New Capital (Periphery) Control Act, 1960 has already been repealed, in view of this situation, question of vires does not remain to be decided. We allow the petitioner to withdraw the petition with liberty to file a fresh petition on the same cause of action to challenge the correctness, validity and propriety of the impugned action. It is made clear that question of delay would not be taken into consideration. Rule is discharged. No costs. Interim relief granted earlier shall continue till 16th July, 2006 enabling the petitioner to file fresh petition and pray to the Court for issuance of the fresh interim order.

[R.S. GARG, J.]

[M.R. SHAH, J.]

pirzada/-